

2. KPMG-HK has discussed the redacted parts of the TAC in its motion to dismiss. To preserve the confidentiality of information in the TAC that was filed under seal, we have redacted that information from our memorandum of law as filed publically.

3. In addition, KPMG-HK is submitting with its motion to dismiss two documents identified and discussed in redacted portions of the TAC. KPMG-HK independently is designating those documents as “highly confidential” under the Confidentiality Order entered by this Court on August 28, 2012 (docket no. 3) and is requesting permission to file those documents under seal.

4. Permission from this Court to file under seal is warranted for the reasons relied upon by the Court in its order dated April 25, 2014 (docket no. 134). That order concerned KPMG-HK’s memorandum of law in support of its previous motion to dismiss and the same two documentary exhibits subject to this motion.

5. In addition, permission to file copies of the two referenced documents under seal is warranted because they evidence communications that were intended to be and were designated as confidential at the time they were made, and which remain non-public.

6. Pursuant to Local Rule 7.2(a), these materials should be impounded until further order of the Court, or until a time acceptable to the designating persons. As to the two documents that KPMG-HK is designating “Highly Confidential,” the materials should remain impounded unless and until KPMG-HK and the recipients of the communications inform the Clerk otherwise.

7. Counsel for KPMG-HK has conferred with counsel for Plaintiffs, who have represented that Plaintiffs do not oppose this motion.

For these reasons, KPMG-HK respectfully requests that the Court grant this motion for leave to file under seal.

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Dated: May 13, 2015

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to any person indicated on ECF as a non-registered participant on May 13, 2015.

/s/ Jeff Goldman, BBO #660870